

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

SHAWAND EBANKS, individually and on  
behalf of all others similarly situated,

Plaintiff,

v.

REDBOX AUTOMATED RETAIL, LLC,

Defendant.

Case No.

**NOTICE OF REMOVAL**

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. §§ 1331, 1332, 1441, and 1446, Redbox Automated Retail, LLC (“Defendant” or “Redbox”) has removed the above-captioned action from the Circuit Court of Cook County, Illinois to the United States District Court for the Northern District of Illinois. As grounds for removal, Defendant states as follows:

**NATURE OF THE ACTION**

1. Plaintiff Shawand Ebanks (“Plaintiff” or “Ebanks”) filed this action against Redbox on June 6, 2019, in the Circuit Court of Cook County, Illinois, Chancery Division, case no. 2019CH06908 (the “Cook County Action”).<sup>1</sup>

2. In the Cook County Action, Plaintiff asserts claims against Defendant for violations of the Telephone Consumer Protection Act, 47 U.S.C § 227 (“TCPA”). Plaintiff seeks to bring these claims on behalf of a class of purportedly similarly-situated individuals.

3. On June 6, 2019, Plaintiff filed in the Cook County Action a motion styled “Motion for Class Certification or, Alternatively, for a Deferred Class Certification Ruling

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<sup>1</sup> The docket and all filings made to date in the Cook County Action are attached as Exhibit A.

Pending Discovery.” The case has been set for status on the court’s case management call for October 4, 2019.

4. Defendant has not yet been served with process in the Cook County Action; however, Defendant’s counsel was provided a copy of the complaint filed in the Cook County Action by Plaintiff’s counsel via email on June 7, 2019. Defendant has not filed any responsive pleadings in the Cook County Action.

### **BASIS FOR REMOVAL**

#### **A. Federal Question Jurisdiction**

5. This Court has original jurisdiction over this action under 28 U.S.C. § 1331 because Plaintiff’s TCPA claims arise under federal law. *See Mims v. Arrow Financial Services, LLC*, 565 U.S. 368 (2012); *Brill v. Countrywide Home Loans, Inc.*, 427 F.3d 446, 451 (7th Cir. 2005). Accordingly, Defendant is entitled to remove to this Court pursuant to 28 U.S.C. § 1441. *Brill*, 427 F.3d at 451.

#### **B. Diversity Jurisdiction**

6. This Court has original jurisdiction over this action under 28 U.S.C. § 1332 because this dispute is between citizens of different states and the amount in dispute between the parties is in excess of \$75,000.00, exclusive of costs and interest.

7. Specifically, Plaintiff is a citizen and resident of Maryland. Defendant is a Delaware limited liability company.

8. The sole member of Redbox is Redwood Intermediate, LLC, a Delaware limited liability company. The sole member of Redwood Intermediate, LLC is Redwood Holdco, LLC, a Delaware limited liability company. The sole member of Redwood Holdco, LLC is New Outerwall, Inc., a Delaware corporation with its principal place of business in Bellevue, Washington.

**PROCEDURAL REQUIREMENTS**

9. This Notice of Removal is timely under 28 U.S.C. § 1446(b), as it is being filed within thirty (30) days after the date that Defendant was first given notice of the complaint in the Cook County Action.

10. There are no other defendants named in this action.

11. Venue lies in the United States District Court for the Northern District of Illinois, pursuant to 28 U.S.C. § 1446(a), because the Cook County Action was filed in the Circuit Court of Cook County, Illinois, which is located within this District and Division.

12. Written notice of this Notice of Removal is being served upon Plaintiff, and a copy of the Notice of Removal is being filed with the Circuit Court of Cook County, as required by 28 U.S.C. § 1446(d).

13. This Notice of Removal is signed pursuant to Rule 11 of the Federal Rules of Civil Procedure.

WHEREFORE, please take notice that Defendant Redbox Automated Retail, LLC removes the action styled *Shawand Ebanks v. Redbox Automated Retail, LLC*, No. 2019CH06908, from the Circuit Court of Cook County, Illinois, where it is now pending, to the United States District Court for the Northern District of Illinois on this 3rd day of July, 2019.

Dated: July 3, 2019

Respectfully submitted,

By: /s/ Martin W. Jaszczuk  
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**CERTIFICATE OF SERVICE**

I, Margaret M. Schuchardt, an attorney, certify that I caused the foregoing document to be served upon the following via electronic mail and U.S. Mail on July 3rd, 2019:

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/s/ Margaret M. Schuchardt